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Atul H. Bhatt and Parul A. Bhatt

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ATUL H. BHATT and PARUL A. BHATT,

Plaintiffs

v.

ALLEN GILTMAN, NOTRE GROUP
LIMITED, JOHN DOES 1-10,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED
CIVIL ACTION NO. _____

ATUL H. BHATT and PARUL A. BHATT (“Plaintiffs”) by and through their attorneys,
Porzio, Bromberg & Newman, P.C., by way of Complaint, allege as follows:

NATURE OF THE COMPLAINT

1. This is a civil action stemming from a computer and wire fraud scheme perpetrated by Allen Giltman (“Giltman”) together with Notre Group Limited and other unidentified individuals (John Does 1-10) (collectively “Defendants”), wherein Defendants conspired to create fraudulent websites to solicit funds on the internet from individuals seeking to invest money. Plaintiffs Atul H. Bhatt (“Mr. Bhatt”) and Parul A. Bhatt (“Mrs. Bhatt”) were victims of this criminal enterprise.

JURISDICTION AND VENUE

2. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

3. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred within the District of New Jersey. Specifically, Giltman, utilizing a false identity as described herein, contacted Mr. Bhatt, who he knew to be a New Jersey resident, numerous times and knowingly made false statements to Mr. Bhatt, which caused Mr. Bhatt to wire funds to him from New Jersey. The fraud, theft, and breach of contract were perpetrated in New Jersey.

PARTIES

4. Plaintiffs are residents of the State of New Jersey with a place of residence in Galloway, New Jersey.

5. Giltman is a resident of the State of California with a place of residence in Irvine, California. Giltman stole the identity of a legitimate registered investment adviser named Michael L. Hsu (“Mr. Hsu”) to further his criminal enterprise.

6. Notre Group Limited is a private company located in Hong Kong.

7. John Does 1-10 conspired in a computer and wire fraud scheme whereby they created fraudulent websites to solicit funds on the internet from unsuspecting individuals, such as Plaintiffs.

8. Giltman, Notre Group Limited, and John Does 1-10 conspired together to defraud Plaintiffs.

FACTS

9. In or about September 2020, Plaintiffs endeavored to purchase a Certificate of Deposit (“CD”) with approximately twenty years of their savings. Mr. Bhatt discovered a website purporting to be Asian Pacific National Bank, an Oversea-Chinese Banking Corporation (“OCBC Bank”) Company, which was advertising CDs with attractive interest rates. Upon information and belief, this website was not affiliated with Asian Pacific National Bank and was engineered by Giltman, Notre Group Limited, and John Does 1-10 as part of their criminal enterprise.

10. Mr. Bhatt began corresponding via e-mail with an individual from the website who introduced himself as Mr. Hsu and utilized the e-mail address mhsubanking@protonmail.com and the phone number (951) 292-4608. Mr. Hsu held himself out to be a Senior Account Executive for Private Accounts at Asian Pacific National Bank both verbally and in writing.

11. Mr. Bhatt corresponded with Mr. Hsu for approximately one week before he and Mrs. Bhatt decided to purchase a \$200,000.00 five-year CD.

12. On or about September 25, 2020, Mr. and Mrs. Bhatt filled out an application which included the insignia for Asian Pacific National Bank and was provided to them by Mr. Hsu to open the CD account. *See* Application, attached hereto as Exhibit A.

13. On or about September 25, 2020, Mr. Bhatt received an e-mail from Mr. Hsu confirming that his new account, a “60 Month Jumbo CD with Asia Pacific National Bank,” was active and ready for funding. *See* Welcome E-mail, attached hereto as Exhibit B. In the e-mail, Mr. Hsu provided Mr. Bhatt an account contract number and stated that he would be the primary point of contact for any questions, comments, or feedback. Mr. Hsu also attached instructions directing Plaintiffs to wire the \$200,000.00 to Asian Pacific National Bank’s clearing platform, “Notre Group Limited through OCBC Bank.” *See* Bank Wire Instructions, attached hereto as

Exhibit C. The wire instructions included the insignia for Asian Pacific National Bank.

14. Later that same day, Mr. Bhatt received a second e-mail from Mr. Hsu following up on whether Mr. Bhatt had completed his funding transfer and could provide a wire confirmation. *See Wire Confirmation E-mail*, attached hereto as Exhibit D. In Mr. Hsu's signature, he included CRD¹ and FDIC² numbers, which correspond to a registered investment adviser named Michael L. Hsu and Asian Pacific National Bank, respectively.

15. On or about September 26, 2020, Mr. Bhatt responded to Mr. Hsu's e-mails, confirming his intention to transfer the monies on September 28, 2020 and posing several follow-up questions regarding the logistics of the CD. *See Follow-up Questions E-mail*, attached hereto as Exhibit E. That same day, Mr. Hsu answered Mr. Bhatt's follow-up questions. Mr. Hsu discussed how he would be Mr. Bhatt's "personal Account Executive," explained the mechanism by which Mr. Bhatt would receive monthly interest payments, and provided an estimated value of the CD in five years if Mr. Bhatt allowed the interest to compound. *Id.*

16. On September 28, 2020, Mr. Bhatt initiated an international transfer of \$200,000.00 to Notre Group Limited in Hong Kong as consideration for the 60 Month Jumbo CD with Asia Pacific National Bank promised to him by Mr. Hsu. *See PNC Bank Receipt*, attached as Exhibit F.

17. On September 29, 2020, Mr. Hsu provided Mr. Bhatt with an Initial Deposit Credit Statement, which included the insignia for Asian Pacific National Bank.. *See Asian Pacific Bank Statement*, attached as Exhibit G. Mr. Hsu also represented to Mr. Bhatt that he would be sending

¹ CRD stands for Central Registration Depository, which is a database that holds information about brokers and brokerage firms. Every stockbroker licensed to sell securities in the U.S. has a CRD number.

² FDIC stands for Federal Deposit Insurance Corporation. The FDIC Certificate ID is a unique number assigned to each depository institution to identify and track a bank.

him a physical CD and temporary password to log into the client portal to view his information online. *See* E-mail Chain Regarding Online Account Access, attached as Exhibit H.

18. On October 16, 2020, Mr. Bhatt contacted Mr. Hsu regarding viewing his account online. *See* Exhibit H. On October 19, 2020, Mr. Hsu reiterated that a temporary password would be sent to Mr. Bhatt shortly, but that “it has been taking a little longer than usual because of the current situation we are in now,” referring to the Coronavirus Pandemic. *See* Exhibit H.

19. After Mr. and Mrs. Bhatt did not receive online access or confirming documentation regarding the CD, they contacted Asian Pacific National Bank directly. Bank personnel confirmed that Mr. and Mrs. Bhatt did not have a CD account with Asian Pacific National Bank and advised them that the man they described had been defrauding people for the last year and was under investigation by the Federal Bureau of Investigation.

20. Mr. and Mrs. Bhatt contacted both the Federal Bureau of Investigation and the Galloway Police Department to report the fraud.

21. On or about October 27, 2020, Giltman was arrested by the Federal Bureau of Investigation and charged by the U.S. Department of Justice in a four-count complaint with aggravated identity theft, conspiracy to commit wire fraud, and conspiracy to commit securities fraud, in violation of 18 U.S.C. §§ 371, 1349, 1029A(a)(1)(a) and 2. *See* Unsealed Federal Criminal Complaint against Allen Giltman, attached as Exhibit I.

22. The facts upon which Giltman was charged with stealing from fourteen identified victims, as alleged by the U.S. Department of Justice, are nearly identical to the manner upon which Giltman and his co-conspirators obtained nearly all of the Plaintiffs’ life savings. That is, Giltman was alleged to assume a false identity online, falsely represent himself as a representative of a financial institution that could issue a CD, and take other victims’ money before disappearing.

23. Upon information and belief, the individual purporting to be Mr. Hsu was identified by law enforcement as Giltman.

24. Upon information and belief, Giltman and others currently unknown and identified herein as John Does 1-10, conspired and worked in conjunction with each other to defraud Plaintiffs and to engage in a series of financial transactions to disguise and otherwise hide the fruits of their crimes, that is, the money that Giltman and others stole from Plaintiffs and others.

COUNT I
Common Law Fraud
(Against all Defendants)

25. Plaintiffs hereby incorporate all of the preceding allegations and make them a part of this Count as if fully set forth herein.

26. Giltman and John Does 1-10 perpetrated a fraud against Plaintiffs by holding himself out to be Mr. Hsu, a legitimate registered investment adviser, and offering to purchase a five-year CD at Asian Pacific National Bank valued at \$200,000.00 on their behalf.

27. Giltman, in fact, was not Mr. Hsu and was not affiliated with Asian Pacific National Bank.

28. Giltman never intended to utilize Plaintiffs' monies to purchase a CD on their behalf.

29. Giltman made these false representations with the intent that the Plaintiffs would rely upon them and send Giltman their money, representing nearly all of their life savings.

30. Plaintiffs reasonably relied on Giltman's representation regarding his identity as well as his promise to purchase the CD and sent him \$200,000.00.

31. Giltman took possession of the \$200,000.00 and never purchased the CD on Plaintiffs' behalf.

32. As a result of the fraud, Plaintiffs suffered mental anguish, emotional distress, embarrassment, humiliation, financial and other losses, for which Defendants should be held jointly and severally liable, in an amount to be deemed appropriate by a jury.

COUNT II
Theft
(Against all Defendants)

33. Plaintiffs hereby incorporate all of the preceding allegations and make them a part of this Count as if fully set forth herein.

34. Plaintiffs were deprived of their right to possess their hard-earned \$200,000.00 by Giltman's misrepresentations regarding his identity and his affiliation. Instead of purchasing the agreed upon CD on Plaintiffs' behalf, he took their money for his own personal gain.

35. Upon information and belief, John Does 1-10 conspired and assisted Giltman in stealing the Plaintiffs' money and concealing its ultimate location.

36. As a result of the theft, Plaintiffs suffered mental anguish, emotional distress, embarrassment, humiliation, financial and other losses, for which Defendants should be held jointly and severally liable, in an amount to be deemed appropriate by a jury.

COUNT III
Breach of Contract
(Against Giltman)

37. Plaintiffs hereby incorporate all of the preceding allegations and make them a part of this Count as if fully set forth herein.

38. Plaintiffs had a contract with Giltman wherein he offered to purchase a five-year CD at Asian Pacific National Bank valued at \$200,000.00 on their behalf in exchange for the \$200,000.00 deposit from Plaintiffs. Giltman materially breached the terms of this contract by failing to procure the five-year CD from Asian Pacific National Bank on Plaintiffs'

behalf and keeping Plaintiffs' \$200,000.00.

39. As a result of the breach of contract, Plaintiffs suffered mental anguish, emotional distress, embarrassment, humiliation, financial and other losses in an amount to be deemed appropriate by a jury.

COUNT IV
Civil Conspiracy
(Against all Defendants)

40. Plaintiffs hereby incorporate all of the preceding allegations and make them a part of this Count as if fully set forth herein.

41. Defendants were each members of a conspiracy of two or more persons. The object of their conspiracy was to create fraudulent websites to solicit funds on the internet from unsuspecting individuals, such as Plaintiffs.

42. The members of the conspiracy had a meeting of the minds on the object or course of action. One of the members of the conspiracy committed an unlawful, overt act to further the object or course of action.

43. As a result of the conspiracy, Plaintiffs suffered mental anguish, emotional distress, embarrassment, humiliation, financial and other losses, for which Defendants should be held jointly and severally liable, in an amount to be deemed appropriate by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against defendants as follows:

- a) Awarding Plaintiffs compensatory damages for mental anguish, emotional distress, embarrassment, humiliation, financial and other losses in an amount to be deemed appropriate by a jury.
- b) Awarding Plaintiffs punitive damages, to the extent permitted by law, sufficient not only to punish defendants for their egregious unconstitutional conduct, but also to deter them from engaging in future schemes.

- c) Awarding Plaintiffs attorney's fees already incurred as a result of Defendants' unlawful conduct and any reasonable attorney's fees and costs incurred.
- d) Awarding Plaintiffs pre-judgment and post-judgment interest.
- e) Awarding Plaintiffs all other relief that they may be entitled to under the law and all other relief that the Court deems just and proper.

JURY TRIAL DEMANDED

Plaintiffs demand a trial by jury on all issues so triable.

PORZIO, BROMBERG & NEWMAN, P.C.

Attorneys for Plaintiffs,

Atul and Parul Bhatt

Date: April 29, 2021

By: s/ Raquel R. Rivera

Raquel R. Rivera

PORZIO, BROMBERG & NEWMAN, P.C.

Attorneys for Plaintiffs,

Atul and Parul Bhatt

Date: April 29, 2021

By: s/ William J. Hughes, Jr.

William J. Hughes, Jr.

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I certify that Allen Giltman is currently a defendant in *United States of America v. Allen Giltman*, 20-mag-13462 (LDW), currently pending in the U.S. District Court for the District of New Jersey. I am not aware that the matter in controversy is the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

PORZIO, BROMBERG & NEWMAN, P.C.
Attorneys for Plaintiffs,
Atul and Parul Bhatt

Date: April 29, 2021 By: s/ Raquel R. Rivera
Raquel R. Rivera

PORZIO, BROMBERG & NEWMAN, P.C.
Attorneys for Plaintiffs,
Atul and Parul Bhatt

Date: April 29, 2021 By: s/ William J. Hughes, Jr.
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